



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: November 13, 2012.

**H. CHRISTOPHER MOTT
UNITED STATES BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	
	§	
DHC REALTY, LLC.	§	Case No. 11-30977-hcm
	§	Chapter 11
Debtor.	§	
<hr/>		
DHC REALTY, LLC, CHOWAIKI	§	
HOLDINGS, LLC, EL PASO DHC	§	
ENTERPRISES, LLC, EL PASO DHC	§	
ENTERPRISES FAR EAST, LLC, EL	§	
PASO DHC ENTERPRISES WEST, LLC	§	
AND DAVID CHOWAIKI,	§	
	§	
Plaintiffs and Counter-Defendants,	§	
	§	
v.	§	Adversary No. 12-03012-hcm
	§	
ARMANDO ARMENDARIZ, YVETTE	§	
ARMENDARIZ, AND HECTOR	§	
ARMENDARIZ	§	
	§	
Defendants and Counter-Plaintiffs.	§	

**ORDER SETTING DEADLINES REGARDING COUNTER-DEFENDANTS'
PARTIAL MOTION TO DISMISS COUNTERCLAIM FOR FAILURE TO STATE CLAIM**

On November 12, 2012, a Partial Motion to Dismiss Counterclaim for Failure to

State Claim was filed by the Counter-Defendants in the above referenced adversary proceeding ("Partial Motion to Dismiss") (dkt no. 31). The Court finds that that the following Order should be entered.

THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED AND **NOTICE IS HEREBY GIVEN AS FOLLOWS:**

1. A Response to the Partial Motion to Dismiss shall be filed and served by Counter-Plaintiffs by November 30, 2012. In the event a Response is not timely filed, the Court may consider granting the Partial Motion to Dismiss without further notice and hearing.
2. Any Reply by Counter-Defendants to the Response shall be filed and served by December 7, 2012.

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Notice Pg 3 of 4

United States Bankruptcy Court
Western District of TexasDHC Realty, LLC,
Plaintiff

Armendariz,
Defendant

Adv. Proc. No. 12-03012-hcm

CERTIFICATE OF NOTICE

District/off: 0542-3

User: hilliardj
Form ID: pdfintpPage 1 of 2
Total Noticed: 11

Date Rcvd: Nov 14, 2012

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2012.

dft +Armando Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414
 pla +Chowaiki Holdings, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +DHC Realty, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +David Chowaiki, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises Far East, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises West, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises, LLC, 301 Williams, El Paso, TX 79901-1813
 dft +Hector Armendariz, 14201 Desert Sage, Horizon City, TX 79928-6446
 dft +Yvette Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust E-mail/Text: USTPRegion07.sn.bnc@usdoj.gov Nov 15 2012 01:35:22 United States Trustee - EP12,
 U.S. Trustee's Office, 615 E. Houston, Suite 533, P.O. Box 1539,
 San Antonio, TX 78295-1539
 intp +E-mail/Text: ustpreregion07.au.ecf@usdoj.gov Nov 15 2012 01:39:29 Valerie Wenger,
 Office of the U.S. Trustee, 903 San Jacinto Blvd., Suite 230, Austin, TX 78701-2450
 TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cc* +Armando Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414
 cd* +Chowaiki Holdings, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +DHC Realty, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +David Chowaiki, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises Far East, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises West, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises, LLC, 301 Williams, El Paso, TX 79901-1813
 cc* +Hector Armendariz, 14201 Desert Sage, Horizon City, TX 79928-6446
 cc* +Yvette Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414

TOTALS: 0, * 9, ## 0

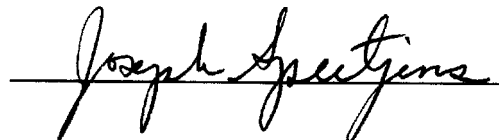
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2012

Signature:



12-03012-hcm Doc#33 Filed 11/16/12 Entered 11/17/12 00:15:19 Imaged Certificate of
Notice Pg 4 of 4

District/off: 0542-3

User: hilliardj
Form ID: pdfintp

Page 2 of 2
Total Noticed: 11

Date Rcvd: Nov 14, 2012

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on November 14, 2012 at the address(es) listed below:

Corey W. Haugland on behalf of Counter Defendant Chowaiki Holdings, LLC chaugland@jghpc.com
Sidney J. Diamond on behalf of Defendant Armando Armendariz usbc@sidneydiamond.com

TOTAL: 2